

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

DANIEL PUCKET, in his own)
capacity; AMY PUCKET, in her own)
capacity; LUKE PUCKET, by and)
through his parents and guardians,)
Daniel and Amy Pucket; BENJAMIN)
PUCKET, by and through his)
parents and guardians, Daniel and)
Amy Pucket,)
Plaintiffs,)
v.)
HOT SPRINGS SCHOOL DISTRICT)
NO. 23-2; and its SCHOOL BOARD,)
Defendants,)
and)
LAWRENCE LONG, in his official)
capacity as Attorney General of South)
Dakota; and MARK BARNETT, in his)
official capacity as Chief Deputy)
Attorney General of South Dakota,)
Intervenor-Defendants.)

Civ. No. 03-5033-KES

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

For the reasons stated in the accompanying memorandum of law submitted in support of this Motion, and based on the facts set forth in the accompanying separate statement of material facts (along with the attached affidavits, declarations, and exhibits thereto), plaintiffs Daniel, Amy, Luke and Benjamin Pucket ("Plaintiffs"), move this Court for an order under Federal Rule of Civil Procedure 56 and Local Rule 56.1 of the United States District Court for the District of South Dakota granting summary judgment

to Plaintiffs and against Defendants Hot Springs School District No. 23-2 and its School Board (“Defendants”) on Count I of the Complaint (Violation of the United States Constitution Fourteenth Amendment: Equal Protection (42 U.S.C. § 1983)); Count II of the Complaint (Violation of the United States Constitution First and Fourteenth Amendments: Free Exercise of Religion (42 U.S.C. § 1983)); Count III of the Complaint (Violation of the United States Constitution First and Fourteenth Amendments: Freedom of Speech (42 U.S.C. § 1983)); and Count IV of the Complaint (Violation of the United States Constitution First and Fourteenth Amendments: Establishment Clause (42 U.S.C. § 1983)).

Dated: November 15, 2006

THE BECKET FUND FOR RELIGIOUS LIBERTY

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served this legal document upon the persons herein next designated, all on the date below shown, by electronic means pursuant to Fed.R.Civ.P 5(b)(2)(D) to:

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which are the last addresses of the addressees known to the subscriber.

Dated this 15th day of November, 2006.

/s/ Daniel F. Duffy
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This document was electronically filed.